

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES G. GARCIA,	)	
	)	
Plaintiff(s),	)	No. C 07-6262 CRB (PR)
	)	
v.	)	ORDER
	)	
BEN CURRY, Warden, et al.,	)	
	)	
Defendant(s).	)	

---

Per order filed on April 18, 2008, the court found that plaintiff's pro se prisoner complaint under 42 U.S.C. § 1983 stated cognizable damages claims for use of excessive force and retaliation, when liberally construed, and instructed the clerk to issue summons and the United States marshal to serve the following defendants at the Correctional Training Facility in Soledad, California ("CTF"): Warden Ben Curry, Chief Deputy Warden Pat Barker, Capt. A. Tucker, Lt. V. S. Khan, Lt. D. N. McCall and Sgt. L. S. Locke.

The instructions to the clerk and marshal inadvertently left out Captain A. E. Roberts, against whom plaintiff states a cognizable § 1983 damages claim for retaliation. Good cause appearing therefor, the clerk shall issue summons and the

1 United States Marshal shall serve, without prepayment of fees, copies of the  
2 complaint in this matter, all attachments thereto, and a copy of this order and the  
3 April 18, 2008 order of service on Captain A. E. Roberts at CTF. The clerk also  
4 shall serve a copy of this order on plaintiff.

5 SO ORDERED.

6 DATED: May 13, 2008



7 CHARLES R. BREYER  
8 United States District Judge  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27